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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

MARLON ALONZO SMITH,  
  
Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR  
RECONSIDERATION**

Case No. 2:16-cr-00020-DN

District Judge David Nuffer

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Defendant seeks reconsideration (“Motion”)<sup>1</sup> of the order that denied his motion to reduce sentence under USSC Amendment 821 (“Order”).<sup>2</sup> Defendant argues the Order is unsigned and incomplete.<sup>3</sup> He also argues the Order fails to explain why he is not entitled to a proportional reduction of his sentence under USSC Amendment 821.<sup>4</sup> Defendant’s characterization of the Order is incorrect.

The Order is on form AO 247.<sup>5</sup> The first page of the Order identifies that Defendant’s motion to reduce sentence was denied and includes the District Judge’s signature.<sup>6</sup> The second page of the Order identifies Defendant’s original and amended guideline range, and includes analysis for the denial of Defendant’s motion to reduce sentence.<sup>7</sup> Defendant’s sentence is well

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<sup>1</sup> Motion for Reconsideration (“Motion”), [docket no. 262](#), filed Feb. 13, 2024.

<sup>2</sup> Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) (“Order”), [docket no. 259](#), filed Jan. 16, 2024, docket no. 260, filed under seal Jan. 16, 2024. The first page of the Order is public while the second page of the Order is filed under seal.

<sup>3</sup> Motion at 5-6.

<sup>4</sup> *Id.* at 2-6.

<sup>5</sup> Order at 1-2.

<sup>6</sup> *Id.* at 1.

<sup>7</sup> *Id.* at 2.

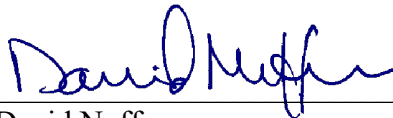
below both his original and amended guideline range, and remains the appropriate sentence considering the factors of 18 U.S.C. § 3553(a).<sup>8</sup> And all applicable and necessary boxes in the form Order are checked.<sup>9</sup> Therefore, reconsideration of the Order is neither necessary or appropriate.

**ORDER**

IT IS HEREBY ORDERED that Defendant's Motion<sup>10</sup> is DENIED.

Signed February 21, 2024.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States District Judge

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 1-2.

<sup>10</sup> [Docket no. 262](#), filed Feb. 13, 2024.